



EPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: ATM-2222-1

Applicants : Claude A. MARBLER et al.
Serial No. : 10/727,649 Art Unit: 3727
Filed : December 5, 2003 Primary Examiner: Jes F. Pascua
Title : PACKAGING MADE FROM A FILM-LIKE LAMINATE AND PROCESS FOR PRODUCTION OF THIS PACKAGING

AMENDMENT

Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of December 21, 2005, the following comments and information are submitted.

Restriction to one of the following inventions has been required under 35 U.S.C. 121:

- I. Claims 1 to 6 and 12 to 14, drawn to a packing.
- II. Claims 7 to 11 and 15 to 20, drawn to a process for production of a packing.

Applicants elect with traverse the invention of Group I, Claims 1 to 6 and 12 to 14.

The Office Action stated that the inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process.

In the instant case the product as claimed can be made by another and materially different process such as forming the weakened zones after processing the laminate into a packing.

The Office Action stated that, because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The Office Action stated that, because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subsection matter, restriction for examination purposes as indicated is proper.

The Office Action stated that applicant are advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed. Applicants elect with traverse the invention of Group I, Claims 1 to 6 and 12 to 14.

Applicants reserves the right to file a divisional and/or continuing application drawn to the nonelected invention of Group II, Claims 7 to 11 and 15 to 20.

Respectfully submitted,

Jan. 23, 2006
Date

Virgil H. Marsh
Virgil H. Marsh
Reg. No. 23,083

Fisher, Christen & Sabol
1725 K Street, N.W.
Suite 1108
Washington, D.C. 20006
Telephone: 202-659-2000
Facsimile: 202-659-2015

